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August 24, 1967

Memorandum

From: Junius Williams
To: All Involved parties
Subject: Medical school fight

This memorandum is meant to inform the reader about most recent events involving the medical school, and possibilities for stopping it. Included is a report on a recent fact-finding meeting in Philadelphia with officialdom of the Department of Housing and Urban Development (HUD), the federal body that must O.K. all urban renewal projects before they get funded.

I. Recent Promises

It should be understood by everyone that the Board of Trustees of the N.J. College of Medicine and Dentistry is in a good position. They have a contract which gives them the right to an older urban renewal site (approximately 10 acres of the Fairmount tract located around West Market Street), as well as approximately 150 new acres. We have been told by Lou Danzig that the amount of new land has been reduced to 112 acres. However, as was pointed out to us just recently, the official contract, the one in writing, still reads 150 (+) 10.

Also, Governor Hughes, just after the rebellion, along with Paul Ylvisaker of the Department of Community Affairs assured the citizens of Newark that only 46.4 acres of the land will be used for construction purposes. The rest, they say, will be planned "by the community". They foresee such things as a community center, more housing, etc.

I wish to emphasize that these are just bare promises, made on the front page of the New York Times, August 3, 1967. The day following this announcement, the medical school proclaimed that all these plans were nice, but that they had no intention of relinquishing their rights to any of the acreage. There is no way to pin the Governor down on this promise, nor can we rely on Danzig's word. The contract is the promise on which we must base our thinking.

My personal opinion is that these announcements were made to give the impression of reconsideration. Hopefully, the black community will accept this reduction in acreage and a promise of low income housing as a meaningful compromise. To make the plum even more appealing, many additional church groups and civic organizations have been promised money to build new houses. Little is made of the fact that the resulting houses will be too expensive for poor people with little chance of any rent supplement coming from Congress or from the state legislature.

We should therefore be wary of such promises, and deal with Danzig, and the Board of Trustees of the medical college as if their only promise to us has been the contract.

This is not meant to imply that all people at the state level are not to be trusted. Informed sources say that Paul Ylvisaker of the Department of Urban Affairs means well and has good ideas. He should be approached independently to find out his position on the medical school (just how much land is he willing to see used for the school) and just how committed he is to the idea of citizen participation in the planning of the area (would he be willing to see the entire 150 acres planned by the residents?) Would he be willing to support a plan as drawn up by the residents that would have no medical school in it at all? Would he help get funds to help the community hire a city planner and a staff?

II. Our Strengths-Their Weaknesses

Logically, if we cannot rely on their promises to reduce the amount of acreage, we must seek to make these conditions occur on our own. My position is that we should seek to reduce the amount of acreage for the medical school to no-acreage at all. We should couple this with a demand to federal and state officials that the people of the area be allowed to plan, in conjunction with a trained city planner, the entire 150 acre plot of land.

There are two ways in which we can seek to stop the school. Both methods require the showing of faults in the city's plan for the medical school.

The first method involves HUD. Since the Federal Government is expected to foot the bill for the medical school, at least for the first 46.4 acres, the community applying for such money must comply with certain standards. At the present time HUD is reviewing the plan Newark has submitted to this agency for funding.

If HUD is not satisfied with Newark's compliance with these standards, it can stop the money coming into Newark. HUD checks into compliance with these standards, but the officials in HUD are more likely to call a halt to a project if people in the community point out various areas of non-compliance. This is especially true if the community is organized and gets plenty of publicity about the complaints. Like every other governmental body in the country, HUD too responds to political pressure.

The other method involves the courts, both Federal and state. There are special problems which must be anticipated with regards to choice of court. They will be discussed in the following paragraphs. Also, it is important to note that the exhaustion of administrative remedies is a necessary phase before taking the matter to court. That is to say, we must take our case to HUD before going to the courts. Traditionally, the courts have insisted on being the place of last resort.

The kind of proof necessary for both HUD and the courts is essentially the same. Urban renewal projects have been stopped for any number of reasons. After much research and from many conversations with people around the city and elsewhere, I have concluded that our best bet in Newark is to focus on the shortcomings of the city's relocation plan, and its failure to involve citizens in the planning process.

As we all know there just aren't enough housing units in Newark to house displaced from the medical site, given the dislocation that will be caused by two, and perhaps three highways during the course of a year.

In a conversation in July, Danzig assured us that the highways wouldn't be coming through within the next year. Already, demolition is taking place for Route 280 in the North, and more people will be displaced in this path by mid 1968.

Route 78 is also coming through this year, taking out families in Clinton Hill. People are being told to move out of the Hawthorne Elizabeth Avenue area seemingly by the end of 1967. There has been no official announcement of displacement by Route 75, the inter-city connector, but we suspect some displacement will occur before the end of the year between Central Avenue and 13th Street.

(The exact time table for both highways, given to us by the Bureau of Public Information of the State Highway Department is as follows:)

<u>Route</u>	<u>Location</u>	<u>Construction Target</u>
78	Shaw to Elizabeth	During 1969
	Elizabeth to Frelinghuysen	During 1968
	Route 75 Interchange	During 1968
75	Central Ave. to 13th St.	Fall 1968
	13th to Runyon	Fall 1969
280	Grove to Humbolt	Bids 8/3/67
	Myrtle to 4th	During 1968
	4th to Clifton	Early 1968
	1st to New	Late 1968

The area Grove to Humbolt has already been bought by the highway authority, if they are putting bids out to construction companies. This means these people have already been dislocated. Though mostly white, they still take up space in a city already overcrowded.

At the present time we are trying to substantiate this overcrowding and lack of housing. Law student Vistas have examined the 1966 relocation report of Newark. In it, no consideration is made for the highways! in addition no consideration was made for houses already torn down by urban renewal, the deterioration of houses (34% of Newark's houses are substandard), racial discrimination in the outlying residential areas of the city, the prohibitive cost of some of the "new" houses Danzig says, is available, and the long waiting list in public housing.

These and other faults can be documented. Most important for us is a house to house survey being done at the present time proving all of these things. Also, regular Vistas and the Housing Committee of Area Board Two are attempting to keep track of the whereabouts of the people in the path of Route 78 and the medical school 46 acres.

These faults violate state and federal law.

The citizen participation flaws are also quite useful. Federal law requires that citizens be allowed to plan all urban renewal projects, through a body called the Citizens Advisory Committee. Such a committee has never existed in Newark. The closest Newark has come to meeting this requirement is the institution of the Newark Commission for Neighborhood Conservation and Rehabilitation. Certain members of this group have admitted knowing nothing about urban renewal planning; attendance at their monthly meeting corroborated their ignorance. Their main concern seems to be clean up campaigns, and "tot-lot" (?) programs.

Even if this be construed to be a valid Citizen's Advisory Board, it is impossible for the administration to say that it participated in the decision about bringing the medical school to Newark. Actually, it is impossible to say that anyone participated meaningfully in the decision to bring the school here. The mayor claimed the support of some 40-50 organizations just after he announced that the school was coming. However, in his initial announcement the mayor made no mention about the amount of acreage that was to be used. (We have a complete documentary of the medical school story beginning in Dec. 1966 that can be read for this kind of information by anyone. It is based on newspaper clippings primarily.) In addition, we have shown that these so called supporting organizations are white, middle class, from outside the city and/or stand to profit in some way from the school. The people omitted from the decision process until this time were those who were poor, black and residents of the site area. They made their opinions clear at the blight hearings which were abruptly terminated in July.

We also plan to show that there can be no real citizen participation if the claiming central planning board, the local group with the power to decide "yea" or "nay" about an urban clearance project, stands to profit monetarily by the initiation of such a project.

The two above flaws—not enough housing and no citizen participation are the two main arguments. We have others which can be mentioned at this time:

(a) There is some question as to whether the destruction of the voting power of the Central Ward does ~~not~~ constitute a violation of constitutional rights.

(b) There is some question about the state's right to pass a law allowing a bankrupt city an additional \$15 million based on the possibility that Federal government will reimburse it.

And there are others also very legalistic, that won't be discussed now. ¹

We have several documents discussing the above two and other subject matter that can be made available at the reader's request. Here is a list:

- "Chronological sketch of the Development of the Medical School Project" (already mentioned)
- "What we know about the Highways"
- Two Reports criticizing the city's assessment of its Housing Inventory. One compares the results found by Newark Housing Authority (NHA) with those of FHA; the other analyzes the housing inventory and the vacancy rate as set forth by the city.
- "Route 78" (Newark News Clippings)
- "Sketch of Citizen Participation"
- One Report criticizing the entire 1966 relocation plan of the city.
- "An argument for an alternate plan"
- Several memoranda on various points of law.
- Sample briefs and complaints made before HUD by various groups around the country.

(Most of the work was done by Legal Vistas. "Route 78" was compiled by one of the regular Vistas.) There are also several maps at our disposal.

Ask and it shall be given unto you.

The vulnerable points mentioned here and others that will be discovered in the course of time are not simply nice things law students can get interested in.

In Elizabeth, N.J. recently all urban renewal funds were held up for approximately 18 months by HUD because of relocation and participation faults pointed out by a group there. And in Pulaski, Tenn., the NAACP Legal Defense Fund was able to stop a project there based on obvious racism and no relocation resources for black people. Also, recently, in Stamford, Conn. the city decided to settle a dispute with citizens out of court because the court had high regard for the citizen's position. The problem again was relocation: no adequate houses for poor blacks. The upshot of the settlement was an agreement by the city to build more houses.

In other words we can make a good fight, and have a good chance of winning. Generally speaking HUD is open to suggestions now, having come under much criticism in the past for the ease with which cities were allowed to tear down areas without caring for the citizenry affected. It is also the opinion of a few knowledgeable lawyers that the courts are more likely to give pro-citizen urban renewal decisions today (1967). In the past the courts have refused to junk the presumption of legitimacy of all urban renewal projects. The Federal courts refused to allow tenants the right to raise any question about their relocation rights claiming the law wasn't meant for them. This of course was a weak justification for allowing the powers-that-be to have their way. Now, however, there are cases that indicate the Federal courts have changed their minds and are now ready to deal fairly with the matter of relocation. This is important because our participation argument will have to be raised in federal court.

There is no problem with the N.J. state courts on raising the relocation issue. Senate Law number 767 says that "anyone" can claim a violation of his rights. The law elsewhere guarantees that no demolition can take place if it substantially decreases the houses available to people; we should have no trouble at all getting into the proper N.J. courts, and our proof of a substantial decrease in the housing will be impressive.

Furthermore our timing is good for an attack either through HUD or through the courts. No official action has been taken on the 46.4 acres; Fairmount has not been converted. The application for renewal funds to do the first 46.4 acres is at a very preliminary stage. None of the unspoken factors that have gone against urban renewal combatants in the past are in existence here: the land hasn't been cleared, and certainly no one has invested money in the area, not even in Fairmount. The courts notion of justice, and HUD's too, will be different if we wait until they advance further with their plans. My personal assessment is that we must advance a complaint with HUD raising the two main points and perhaps a critique of the physical plan, within 4 to 6 weeks if not sooner. Of course, action through HUD must be accompanied by a decision to go to court if this fails, so we must know by then who will take the case.

III. HUD Meeting

Owen Wilkerson, George Fontaine, Derrick Winans, Mike Davidson of the NAACP Legal Defense Fund and I visited the regional office of HUD in Philadelphia recently. We lodged no formal complaint; instead we were primarily interested in the kinds of proof HUD considers necessary to substantiate the complaints we want to make.

We discovered a letter criticizing Newark's plan. HUD wouldn't give us a copy of the letter, but I was able to read some of it. (We have requested a copy of this letter from NHA.) The two outstanding criticisms were about the size of the project and the fact that NHA failed to discuss the impact of the project on black people.

The discussion was arranged to include the regional director of relocation, several people from the intergroup relations area whose main interest is racial discrimination, and the Newark urban renewal representative. They all appeared to be very interested in the house-to-house survey being prepared for us which shows the unavailability of houses in non-urban renewal areas for any number of reasons: no vacancy, deterioration, racial discrimination, excessive rents, prohibitive down payments, or not enough rooms. They also want an up-to-date map showing areas of black-white concentration. This will indicate what areas are open to blacks and which are not. (Suggestions as to how to get such a map will be greatly appreciated.)

Finally, they want documentation of individuals dislocated and subsequently aggrieved by the relocation office of NHA. This kind of proof doesn't confine us to the 46.4 acres, but can include the other urban renewal tracts, and even the highways.

My personal assessment of the meeting is as follows:

- (a) We will be hard put to get specific examples of misfeasance by relocation authorities. We will have to search to find such people.
- (b) An even greater problem concerns the 30-40% of the people in a given urban renewal tract who move out without any contact with the relocation office. Such is the case in the 46.4 acre area. Many people have already left, and drifted away.

There are regular Vistas working in the pathway of Route 78 and the 46.4 acre tract, trying to get leads on such people. We are also looking for people who had to move out of town in the wake of urban renewal. This is a tremendous job. The Housing Committee of Area Board Three has pledged itself to this task, in addition to the Vistas.

(c) Generally, the people at HUD seemed interested in our complaints, and impressed with our knowledge. But it will take a mighty community effort to push them into motion against the school. Like any other government body, they respond best to political pressure.

IV. Alternate Plan

This brings me to the final phase of this report. The justification for an alternate plan is written under separate cover.

In summary, the alternate plan approach offers an immediate entrance into the black community in the 150 acre site, and an excellent opportunity for involving people in the struggle against the school.

This can be the basis for the pressure we need. People committed to a plan of their own can be a great impetus for forcing HUD or the courts into rejecting the present medical school plan.

The most recent development towards the end of getting a plan is encouraging. The Architects Renewal Committee of Harlem (ARCH) is considering doing such a plan with the people of the site area. They have done work with at least two groups in New York City. They would like to meet with those interested on Monday in Room 310-312 at the Rutgers Law school building, to discuss the matter more fully. The time for the meeting is 10:00 a.m..

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